

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER LEON SMITH,

Plaintiff,

v.

DSHS, et al,

Defendants.

Case No. C10-5296BHS

ORDER TO PROVIDE ADDITIONAL
BRIEFING

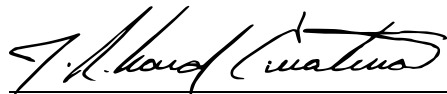
This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the court is a motion for summary judgment (ECF No. 22). The motion addresses the original complaint, in which the Department of Social Health Services is a named defendant (ECF No. 6). An amended complaint was filed on May 25, 2010 (ECF No. 9). Christal Davis has been dismissed from this action (ECF No. 20). The only remaining defendant in this action is Rachel Brown. The allegation in the amended complaint is that Ms. Brown had a duty under state law to provide the plaintiff with social health services while he was incarcerated. Plaintiff alleges that Ms. Brown failed to perform her duties as required by state law and that because of that failure the plaintiff lost his parental rights (ECF No. 9). The plaintiff contends he was entitled to services as a matter of state law (ECF No. 9, page 5).

1 The motion for summary judgment addresses the propriety of the state child custody
2 proceedings and does not address whether Ms. Brown had a duty to provide social health
3 services to plaintiff.

4 The court will need additional briefing before considering the motion for summary
5 judgment. Defendants are ordered to provide additional briefing by March 25, 2011. Any
6 response to the motion that plaintiff wishes to file must be received by the court on or before
7 April 8, 2011. Any reply must be filed on or before April 15, 2011. The motion for summary
8 judgment, (ECF No. 22), is re-noted for April 15, 2011. The Joint Status Report in this case will
9 be due on July 8, 2011.

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11 The clerk of court is directed to send plaintiff a copy of this order, note the due dates, and
12 re-note the motion for summary judgment.

13 DATED this 22nd day of February, 2011.

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17 J. Richard Creatura
18 United States Magistrate Judge
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